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To: Microsoft ATR
Date: 1/23/02 8:49am
Subject: Microsoft Settlement

Hello.

Over the years I have observed Microsoft's strategy to become what it is today.
One part of that strategy is to "borrow" ideas from others, modify them very slightly, and then claim legal ownership. For example, the basic ideas for the "windowing" environment, in which a person interacts with a computer, seems to have originated at Xerox, were copied by Apple, and copied again by Microsoft. Today one about-to-be competitor is nearly ready to release a "windowing" environment called "Lindows", but Microsoft is interfering by claiming it owns the concept, and has filed a lawsuit. (Neither does it own the word "Windows", because there are plenty of companies that include it in their name, and which have been in business much longer than Microsoft. See http://www.andersenwindows.com for example)

Which is more obscene: Microsoft's actions, or the Justice Department's failure to make Microsoft stop?

As another example of the preceding, there were rumors circulating that part of the "increased stability" of Microsoft Windows Operating System came from copying code written for the Linux Operating System. The legalese surrounding Linux require that such code be made public. Meanwhile, Bill Gates was making speeches to the effect that such legalese stifled innovation. If the rumors are true, then the implication is that Bill Gates' definition of "innovation" is that of copying the work of
others, and then claming ownership, as already described.

Where in the proposed settlement is anything to prevent such "innovation"?

Another part of Microsoft's strategy is to modify its Operating System. Advertised as "adding improvements", it is only partly true. As a programmer
I know full well that the Operating System is what loads and executes the ordinary software "application" that the average person might want to interact
with, such as as a word-processor, game, e-mailer, etcetera. In almost every case, an "application" program must work with the Operating System, or it will not work at all.

Well, since Microsoft sells both Operating System and application software, it is very easy for Microsoft to plan ahead by "modifying" its Operating System
to cause competitor applications to no longer work right. Meanwhile, simply

by not telling the competition that a modification is in the works, it can equivalently modify its own application software, so that it will continue to
work right. Then, when the "new and improved" Operating System is released, Microsoft can also release "improved" application software, that works with the new Operating System, while all the competitors have to play catch-up, to fix the glitches deliberately introduced by Microsoft.

That is the nutshell-description of what happened to Netscape, Word Perfect, Lotus, Ashton-Tate, Borland, Corel, and other large software houses, because they were never allowed a chance to be "in" on forthcoming changes to Microsoft's latest-and-greatest Operating System (regardless of version).

The preceding is how Microsoft came to monopolize the desktop computer. The courts have judged that Microsoft does indeed have monopoly status and power. But the proposed settlement does nothing to prevent Microsoft from continuing to implement its overall strategy, which is the basis behind that status and power.

If you would please recall that the intent of the Sherman Anti-Trust Act is to increase competition in the marketplace, and ask yourself if the proposed settlement in the Microsoft case acts to fulfill that intent, then perhaps you would conclude, as I conclude, that the proposed settlement is worthless -- except to Microsoft.